

EXHIBIT 9
FILED UNDER SEAL

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 Case No. 17-cv-00939-WHA

5 -----x
6 WAYMO LLC,
7 Plaintiff,
8 - against -
9 UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC;
10 OTTO TRUCKING LLC,
11 Defendants.
12 -----x

13
14 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
15

16 Videotaped 30(b)(6) Deposition
17 of GARY BROWN, taken by Defendants, held
18 at the offices of Morrison & Foerster LLP,
250 West 55th Street, at 9:59 a.m. on August
19 8, 2017, New York, New York, before Jineen
Pavesi, a Registered Professional Reporter,
20 Registered Merit Reporter, Certified Realtime
Reporter and Notary Public of the State of New York.

21
22
23
24 Job No. 2671217A
25 Pages 1 - 305

1	correct?	12:13:05PM
2	A. You would have to ask Kristinn	12:13:06PM
3	that.	12:13:09PM
4	Q. Does Waymo know who gave	12:13:09PM
5	Mr. Gudjonsson the laptops?	12:13:14PM
6	A. Presumably either Chelsea or	12:13:18PM
7	Leah had delivered it.	12:13:26PM
8	Q. But you don't know -- strike	12:13:28PM
9	that.	12:13:30PM
10	Waymo does not know if it was	12:13:30PM
11	Chelsea or Leah who gave Gudjonsson the	12:13:32PM
12	laptops?	12:13:36PM
13	A. No.	12:13:37PM
14	Q. I would like to direct your	12:13:45PM
15	attention to 29419, the next page, listed	12:13:46PM
16	under CAMP devices, you see the second	12:13:52PM
17	bullet point, Asset No. 1028251, do you	12:13:55PM
18	see that?	12:14:00PM
19	A. I do.	12:14:00PM
20	Q. And that asset being listed	12:14:02PM
21	there is a Hewlett-Packard workstation,	12:14:05PM
22	correct?	12:14:08PM
23	A. Yes.	12:14:09PM
24	Q. And that workstation was issued	12:14:10PM
25	to Mr. Levandowski on November 7, 2012,	12:14:12PM

1 correct? 12:14:17PM

2 A. That seems accurate. 12:14:17PM

3 Q. And it was returned on February 12:14:19PM

4 9, 2016, is that correct? 12:14:24PM

5 A. That means it was collected and 12:14:28PM

6 brought back by the inventory people on 12:14:30PM

7 February 9, 2016, yes. 12:14:33PM

8 Q. And then approximately 15 days 12:14:36PM

9 later, on February 24, 2016, that 12:14:41PM

10 workstation was reallocated to an 12:14:44PM

11 individual named Jerry Anderson, is that 12:14:48PM

12 correct? 12:14:51PM

13 A. That's what this says. 12:14:51PM

14 Q. And Waymo performed no forensic 12:14:53PM

15 investigation into the workstation 12:14:56PM

16 assigned to Mr. Levandowski for an over 12:14:59PM

17 three-year period during his employment at 12:15:03PM

18 Waymo, is that correct? 12:15:06PM

19 MR. BAKER: Objection to form. 12:15:07PM

20 A. When an employee is terminated, 12:15:09PM

21 tickets are generated for inventory 12:15:12PM

22 management individuals to collect their 12:15:15PM

23 assets, check if that individual is 12:15:18PM

24 currently on a hold that would forbid 12:15:25PM

25 reimage, and then the asset is either 12:15:30PM

1 retired or refurbished and redeployed if 12:15:37PM
2 deemed still within its life span. 12:15:44PM
3 Q. Waymo performed no forensic 12:15:51PM
4 investigation into the Hewlett-Packard 12:15:52PM
5 workstation assigned to Mr. Levandowski 12:15:55PM
6 for an over three-year period during his 12:15:58PM
7 employment at Waymo, is that correct? 12:16:00PM
8 MR. BAKER: Objection to form. 12:16:02PM
9 A. That is correct. 12:16:07PM
10 Q. The Hewlett-Packard workstation 12:16:11PM
11 assigned to Mr. Levandowski from 2012 to 12:16:13PM
12 2016 is a computer -- is it a desktop 12:16:19PM
13 computer? 12:16:26PM
14 A. It appears to be, yes. 12:16:27PM
15 Q. And that would have existed in 12:16:28PM
16 his office at Waymo, right? 12:16:31PM
17 A. Presumably. 12:16:34PM
18 Q. And it would have been 12:16:35PM
19 something he used in the three-and-a-half 12:16:36PM
20 year period that it was assigned to him in 12:16:40PM
21 his office at Waymo, correct? 12:16:43PM
22 MR. BAKER: Objection to form. 12:16:44PM
23 A. Possibly, but not necessarily. 12:16:46PM
24 Q. But you don't know one way or 12:16:51PM
25 the other if he used it? 12:16:52PM

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1 is that correct? 12:18:37PM

2 MR. BAKER: Objection to form. 12:18:37PM

3 A. As a forensic analyst, the more 12:18:42PM

4 information, the better. 12:18:44PM

5 But as I said before, it 12:18:47PM

6 doesn't undo other indicators that were 12:18:50PM

7 positively found. 12:18:55PM

8 Q. As a forensic analyst, wouldn't 12:19:02PM

9 you want to know if the card reader was 12:19:07PM

10 attached to the workstation? 12:19:09PM

11 MR. BAKER: Objection to form. 12:19:11PM

12 A. Yes. 12:19:18PM

13 Q. But you don't know the answer 12:19:19PM

14 to that question, right? 12:19:21PM

15 A. Not currently. 12:19:24PM

16 Q. Waymo would never know the 12:19:26PM

17 answer to that question, correct? 12:19:29PM

18 MR. BAKER: Objection to form. 12:19:31PM

19 A. That's uncertain. 12:19:43PM

20 Q. Why is that uncertain? 12:19:45PM

21 A. Depending on retention and host 12:19:50PM

22 monitoring agents, it could potentially be 12:20:00PM

23 determined whether some classes of USB 12:20:08PM

24 devices were connected to these machines, 12:20:12PM

25 but I also would not feel comfortable 12:20:16PM

1 saying that an absence of this evidence 12:20:19PM
2 means that it didn't happen. 12:20:22PM
3 Q. But you don't know one way or 12:20:25PM
4 the other if it happened? 12:20:27PM
5 A. As I sit here today, no. 12:20:28PM
6 MR. BAKER: Objection to form. 12:20:29PM
7 Q. Sorry, I didn't catch your 12:20:30PM
8 answer to that question. 12:20:31PM
9 A. As I sit here right now, no. 12:20:32PM
10 Q. And Waymo doesn't know one way 12:20:35PM
11 or the other if a card reader was attached 12:20:37PM
12 to the workstation, correct? 12:20:40PM
13 MR. BAKER: Same objection. 12:20:42PM
14 A. No. 12:20:43PM
15 Q. Has Waymo attempted to conduct 12:20:56PM
16 any forensic investigation into the 12:20:58PM
17 Hewlett-Packard workstation since it was 12:21:00PM
18 reassigned to Jerry Anderson? 12:21:04PM
19 A. I don't believe so. 12:21:13PM
20 Q. So -- 12:21:18PM
21 A. And also, so these machines are 12:21:19PM
22 full disk encrypted, that is to say, as 12:21:24PM
23 they are reimaged and redeployed there is 12:21:26PM
24 no evidence left on the hard drive, much 12:21:31PM
25 like when you take your Windows laptop and 12:21:33PM

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
Plaintiff,)
vs.) Case No.
UBER TECHNOLOGIES, INC.;) 3:17-cv-000939-WHA
OTTOMOTTO LLC; OTTO TRUCKING,)
INC.,)
Defendants.)
_____)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF KRISTINN GUDJONSSON
Palo Alto, California
Friday, July 28, 2017
Volume I

Reported by:
CARLA SOARES
CSR No. 5908
JOB No. 2665814

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1 today, you are not aware of any evidence that 15:29:57
2 Mr. Levandowski copied files off the computer before
3 it was reimaged?
4 MR. BAKER: Objection to form.
5 THE WITNESS: I can only tell you what's 15:30:06
6 in the declaration here, what we see here.
7 BY MR. TAKASHIMA:
8 Q To your knowledge, has there been any
9 investigation of Mr. Levandowski's e-mail account at
10 Google? 15:30:53
11 A I'm not sure.
12 Q To your knowledge, has anybody connected
13 with an investigation reviewed the contents of
14 Mr. Levandowski's e-mail account at Google?
15 A I'm not sure. 15:31:05
16 Q Who would know?
17 A Lawyers.
18 Q Would anybody else in digital forensics
19 know?
20 A Potentially, but probably not. It 15:31:22
21 probably would have been me if that check was made.
22 Q Have you conducted -- been involved in any
23 review of Mr. Levandowski's workstation from Google?
24 A The workstation, no.
25 Q Has anybody else from digital forensics 15:31:42

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1 conducted that investigation? 15:31:44

2 A No.

3 Q Has anybody looked at Mr. Levandowski's
4 workstation?

5 A Not to my knowledge. 15:31:49

6 Q Has the workstation been preserved?

7 A Not to my knowledge.

8 Q Okay. Has it been deleted?

9 A I'm not sure. I would have to go check.

10 Q Did you ever discuss with anybody 15:32:07
11 investigating Mr. Levandowski's workstation?

12 MR. BAKER: Again, I just want to caution
13 the witness not to disclose any communications that
14 he's had with attorneys.

15 If you have a question, we can go outside. 15:32:22

16 MR. TAKASHIMA: Do you want to take a
17 break?

18 THE WITNESS: Yes. Let's do that.

19 THE VIDEO OPERATOR: We are now going off
20 the record, and the time is 3:32. 15:32:31

21 (Recess, 3:32 p.m. - 3:39 p.m.)

22 THE VIDEO OPERATOR: We're now going back
23 on the record, and the time is 3:39.

24 BY MR. TAKASHIMA:

25 Q Did you ever discuss with anybody whether 15:39:05